

Remarks/Arguments

Reconsideration and allowance of this application are respectfully requested.

Claims 1, 3 through 5 and 7 through 13 stand rejected under 35 U.S.C § 112, first paragraph, as failing to comply with the written description requirement. The limitation in claims 1, 5 and 10 that the titanium carbide particles are bonded “only” to the surface of the nickel alloy layer has been deleted, obviating this rejection.

Claim 1, 3 through 5 and 7 through 13 stand rejected based on obviousness-type double patenting over claims 1 through 10 of application 11/565,771 (‘771). The ‘771 application has not yet been allowed. Applicant will address this issue if the ‘771 application is allowed prior to this application.

The Office Action indicates that if the limitation that the titanium carbide particles are bonded “only” to the surface of the nickel alloy layer is eliminated, prior art rejections with regard to claims 1, 3 through 5 and 7 through 9 will be reinstated. However, the Office Action suggests that claims 10 through 13 are unobvious in view of the prior art even without the “only” limitation. The Office Action suggests that incorporating the limitations of the claimed method could help distinguish the claimed article over the prior art. Accordingly, claims 1 and 5 have been amended to recite that the titanium carbide particles are formed by applying titanium carbide powder on a surface of the nickel alloy layer, and the nickel alloy layer, together with a titanium carbide powder, is placed in a vacuum heating oven and heated under vacuum to a temperature at which a liquid phase generates from the nickel alloy. This produces a structure that is different from the structure disclosed in the Darrow patent, and the Nakayama et al. and Negishi Japanese documents. Therefore, these claims are now unobvious in view of the prior art.

Application No. 10/599,118
Office Action dated July 22, 2009
Amendment dated October 20, 2009

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

Please charge any shortage in the fees or credit any overpayment to Deposit Account No. 50-3266.

Respectfully submitted,

DLA PIPER LLP US

A handwritten signature in dark ink, appearing to read 'Dale S. Lazar', is written over a horizontal line.

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